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TRICIA D'Agostino
Sonia Soto-Gutierrez

Clifford Chance Rogers & Wells LLP

Docket No. 5677-111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Leo J. Romanczyk, Jr. et al.

Filed: April 11, 2001 Group Art Unit: 1651
Serial No: 09/833,134 Examiner: C. Tate
For: EXTRACTION OF STEROLS FROM COCOA HULLS

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is submitted in response to the Communication mailed July 2, 2002 restricting the claims into following groups:

I. Claims 2, 11, and 15-23, drawn to a cocoa oil product comprising phytosterols and tocots (e.g., tocopherols) and a method of preparing a cocoa oil comprising phytosterols and tocots, classified in class 514, subclass 458, for example.

II. Claims 1, 3-10, 12-13, and 24-28, drawn to a cocoa oil comprising phytosterols and therapeutic uses thereof, classified in class 424, subclass 776, for example.

Amendment
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III. Claim 14, drawn to a cocoa oil comprising ferulated phytosterols for use as an antioxidant, classified in class 426, subclass 541, for example.

It is respectfully pointed out that Claims 1-13 and 15-23 are all directed to a cocoa oil product comprising phytosterols or phytosterols and tocopherols and tocotrienols and a method for their preparation. Thus, Claims 1, 3-10, and 12-13 should have been included in Group I not Group II. Only Claims 24-28, which are drawn to uses of the cocoa oil in food (Claim 24), dietary supplement (Claim 25), pharmaceutical (Claims 26 and 27), and cosmetic (Claim 28) should be included in Group II. Claim 14 drawn to a ferulated phytosterol for use as an antioxidant is in Group III.

Applicant elects with traverse Claims 1-13 and 15-23. It is respectfully submitted that searching an additional class (Class 424) and subclass (770) for the use of phytosterols could and should be carried out to ensure the patentability of the cocoa oil claims.

Date: July 10, 2002
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Respectfully submitted,

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